



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

X

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,025	09/12/2001	Shawn Wiederin	COS-01-007	1705
25537	7590	02/11/2004	EXAMINER	
			CHEUNG, MARY DA ZHI WANG	
		ART UNIT		PAPER NUMBER
		3621		

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/950,025	WIEDERIN, SHAWN
	Examiner Mary Cheung	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 September 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1,2</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Status of the Claims

1. This action is in response to the application filed on September 12, 2001. Claims 1-41 are pending.

Claim Objections

2. Claims 6, 10, 16, 20, 26, 30 and 40 are objected to because of the following informalities: in line 1 of claims 6, 10, 16, 20, 26, 30 and 40, the phrase "the one or more devices" should be "the one or more wireless devices. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 21-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 21 recites "an information storage media comprising information performing monetary transactions...information that receives...information that maintains...information that transfers...". "An information storage media" claimed by the applicant is directed to non-statutory subject matter because there is no computer executable codes embodied into the information storage media, and the information storage media without computer executable codes would not be able to interact with other components as claimed. Applicant is advised to include computer executable codes in the information storage media. Furthermore, examiner interprets the

“information” that comprised in “an information storage media” as nonfunctional descriptive material, or data *per se* because the applicant does not define what the “information” is. In MPEP 2106 IV B 1, it states “when nonfunctional descriptive material is recorded on some computer readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement”. Accordingly, the “information” that comprised in “an information storage media” is also directed to non-statutory subject matter because it merely claims nonfunctional descriptive material that embodied in an information storage media.

Claims 22-30 are also directed to non-statutory subject matters because the claimed media are not computer readable media, and the information claimed is merely nonfunctional descriptive material as discussed in claim 21 above.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9, 21-30 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 9 and 39, it is not clear how “a security device” is related to “monitors passwords”, “encrypts information” and “monitors user information”. Does the security device comprise at least one of the three elements (monitors passwords, encrypts information, and monitors user information), or does the security device perform at least one of the three functions (monitors passwords, encrypts information,

Art Unit: 3621

and monitors user information)? For examining purpose, claims 9 and 39 are interpreted as “a security device that perform at least one of the following functions: monitors passwords, encrypts information and monitors user information”.

Claim 21 recites “an information storage media comprising information performing monetary transactions...information that receives...information that maintains...information that transfers...”. It is not clear what the “information” that comprised in “an information storage media” is. Is the “information” computer executable codes? Is the “information” just data *per se*?

Claims 22-30 are rejected for incorporating the errors of their respective base claim 21 by dependency.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Shkedy, U. S. Patent 6,260,024.

As to claims 1, 11, 21 and 31, Shkedy teaches a monetary transaction system, a method of performing monetary transactions, and an information storage media comprising information for performing monetary transactions, comprising (abstract and

Figs. 1-2; specifically, “*a monetary transaction system*” corresponds to item 200 in Figs. 1-2):

- a) a payment processing system that receives payee, user, identification and amount information from one or more wireless devices (column 5 lines 2-35 and column 6 lines 40-47, 53-63 and column 8 lines 57-65 and column 11lines 21-24 and Figs. 1-2);
- b) a user profile database that maintains information about one or more users registered with the monetary transaction system (column 10 lines 1-25 and Fig. 2);
- c) a transaction processing device that transfers at least one of credit and debit information between a first online account associated with a registered user and one or more online accounts (column 9 lines 35-53 and column 18 line 37 – column 19 line 8).

As to claims 2, 12, 22 and 32, Shkedy teaches a profile determination device that determines at least one of a user profile and a payee profile (column 16 line 65 – column 17 line 22).

As to claims 3, 13, 23 and 33, Shkedy teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information and authorized recipient information (column 10 lines 1-25 and Fig. 2).

As to claims 4, 14, 24 and 34, Shkedy teaches the profile determination device determines a payee profile based on at least one of a look-up technique and identification information (column 17 lines 10-15).

As to claims 5, 15, 25 and 35, Shkedy teaches a transaction database that records information about the transfer of the at least one of credit and debit information (column 10 lines 58-62 and Fig. 2).

As to claims 6, 16, 26 and 36, Shkedy teaches wherein the one or more devices is at least one of a personal digital assistant (PDA) and a cellular telephone, a household appliance (column 6 lines 40-45 and column 8 lines 57-65 and column 9 lines 12-14).

As to claims 7, 17, 27 and 37, Shkedy teaches one or more credited devices that receive at least one of credit and debit information (column 6 lines 54-63 and column 9 lines 35-53).

As to claims 8, 18, 28 and 38, Shkedy teaches the information about a registered user comprises at least one of personal information about the user, a name and an address (column 10 lines 1-25).

As to claims 9, 19, 29 and 39, Shkedy teaches a security device that encrypts information and monitors user information (column 10 line 63 – column 11 line 17).

As to claims 10, 20, 30 and 40, Shkedy teaches the one or more devices communicate with the transaction processing device via at least a portion of at least one of a wired and a wireless communications network (column 6 lines 40-47 and column 8 lines 55-67).

As to claim 41, Shkedy teaches the identification information comprises an electronic number identifier (column 13 line 62 – column 14 line 5).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hall (U. S. Patent 6,026,375) discloses processing orders from customers in a mobile environment.

Vazvan (WO 97/45814) discloses using a wireless/cellular terminal for remote purchase and bill payment transactions.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final

Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Mary Cheung
Patent Examiner
Art Unit 3621
January 28, 2004

